

In addition to the evidence of a sale of these negroes, in 1815, another piece of proof is now offered, of the most pregnant character. I refer to the list marked O, returned with the last commission, and which is an examined copy from the assessor's book, in the county in which Josiah Hughes lived in the year 1817. It purports to be a list of the property of said Hughes, made for the purpose of taxation, and is proved to be signed by him. The negro Isaac is not upon it, and this is, I think, a strong circumstance to show, that he did not claim him as his property at that time. Objection is made to the admissibility of this paper, upon the ground that being only a copy it is not evidence. The objection, however, is not, in my opinion, a good one.

It would be attended with infinite inconvenience, and, indeed, would defeat one of the great purposes for which these books are made, if their contents could not be proved except by the production of the books themselves. They might be required at various and distant places at the same time, and their removal from the place where they should be kept, for public inspection, would render them almost entirely useless. I think, therefore, that an examined copy of them, may be received in evidence.

The rule upon the subject of the proof of entries in public books, not judicial, will be found in 1 *Philip's Ev.*, 339, and among those of which examined copies will be received, are the books of assessments made by the commissioners of the land tax. The rule is said to be necessary, not only for the security of the books, but for the convenience of the public.

Besides this list, signed by Josiah Hughes, it appears by a list marked Q, and proved to be signed by Jesse Hughes, that in the same year, 1817, a negro boy called Isaac, was assessed as his property.

Now, taking these two papers together, and upon a full and careful consideration of the parol evidence, I am quite convinced, that Isaac must be regarded to have belonged to Jesse Hughes, and, therefore, that there can be no recovery for his hire, or use, from a period anterior to the institution of the action